

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

John E. Robinson
Susan Robinson
fka Susan Plichta
Debtor(s)

Bankruptcy Case No.: 15-24484-JAD
Issued Per Apr. 26, 2018 Proceeding
Chapter: 13
Docket No.: 49 – 42, 48
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 20, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Toyota Motor Credit at Claim No. 1 at 5.25 percent; Wells Fargo Bank at Claim No. 2 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 4, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 John E. Robinson
 Susan Robinson
 Debtors

Case No. 15-24484-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 48

Date Rcvd: May 04, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 06, 2018.

db/jdb
 cr +John E. Robinson, Susan Robinson, 96 Chaffee Street, Uniontown, PA 15401-4649
 +Pennsylvania Housing Finance Agency, c/o Leon P. Haller, Esquire, 1719 North Front Street,
 Harrisburg, PA 17102-2305
 14149041 Advanced Call Center Technologies, P.O. Box 9091, Gray, TN 37615-9091
 14149044 Allied Interstate, P.O. Box 1954, Southgate, MI 48195-0954
 14149043 +Allied Interstate, P.O. Box 361598, Columbus, OH 43236-1598
 14149046 Bon Ton/Comenity Bank, Bankruptcy Department, P.O. Box 182125, Columbus, OH 43218-2125
 14149047 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, c/o TSYS Total Debt Management, P.O. Box 5155,
 Norcross, GA 30091)
 14159559 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14159558 Capital One, N.A., PO Box 71083, Charlotte, NC 28272-1083
 14149048 +Client Services, Inc., 3451 Harry S. Truman Boulevard, Saint Charles, MO 63301-9816
 14149051 First Premier Bank, P.O. Box 5524, Sioux Falls, SD 57117-5524
 14149052 +Firstsource Advantage, LLC, 205 Bryant Woods South, Amherst, NY 14228-3609
 14149056 #Monarch Recovery Management, Inc., 10965 Decatur Road, Philadelphia, PA 19154-3210
 14149057 Montgomery Lynch & Associates, Inc., P.O. Box 22720, Beachwood, OH 44122-0720
 14149059 Penn Credit, 916 South 14th Street, P.O. Box 988, Harrisburg, PA 17108-0988
 14149062 +Rotech Healthcare, Inc., P.O. Box 1259, Dept. 114164, Oaks, PA 19456-1259
 14149063 Sears, P.O. Box 6283, Sioux Falls, SD 57117-6283
 14149064 Sears Mastercard, P.O. Box 7282, Sioux Falls, SD 57117-6282
 14149065 Slate/Chase, P.O. Box 15298, Wilmington, DE 19850-5298
 14149067 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, Asset Protection Department,
 P.O. Box 2958, Torrance, CA 90509-2958)
 14149066 Target National Bank, c/o Target Card Services, P.O. Box 1581, Minneapolis, MN 55440-1581
 14149058 +The Orthopedic Group, P.C., 800 Plaza Drive--Suite 240, Belle Vernon, PA 15012-4019
 14154319 +Toyota Motor Credit Corporation, PO Box 9013, Addison, TX 75001-9013
 14219239 +U.S. Bank National Association, Trustee for, Pennsylvania Housing Finance Agency,
 211 North Front Street, Harrisburg, PA 17101-1406
 14149068 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596
 14149069 +United Collection Bureau, Inc., 5620 Southwyck Boulevard--Suite 206, Toledo, OH 43614-1501
 14158605 Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, PO Box 19657, Irvine, CA 92623-9657
 14149073 +Wells Fargo Dealer Svcs. BK Department, P.O. Box 3569, Rancho Cucamonga, CA 91729-3569
 14149074 Zales Credit Plan, P.O. Box 6403, Sioux Falls, SD 57117-6403

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14149045 E-mail/Text: legal@arsnational.com May 05 2018 01:49:55 ARS National Services, Inc.,
 P.O. Box 463023, Escondido, CA 92046-3023
 14149042 +E-mail/Text: roy.buchholz@allianceoneinc.com May 05 2018 01:49:49
 Alliance One Receivables Management, 4850 Street Road--Suite 300, Trevoze, PA 19053-6600
 14210639 +E-mail/Text: BankruptcyNotices@aafes.com May 05 2018 01:49:51
 Army & Air Force Exchange Services, c/o Bass & Associates, P.C.,
 3936 E. Ft. Lowell Suite 200, Tucson, AZ 85712-1083
 14149055 E-mail/Text: BankruptcyNotices@aafes.com May 05 2018 01:49:51 Military Star,
 Exchange Credit Program, P.O. Box 650410, Dallas, TX 75265-0410
 14149049 +E-mail/Text: egssupportservices@alorica.com May 05 2018 01:50:17 EGS Financial Care, Inc.,
 P.O. Box 1020, Dept 806, Horsham, PA 19044-8020
 14149050 E-mail/Text: bnc-bluestem@quantum3group.com May 05 2018 01:50:30 Fingerhut, P.O. Box 1250,
 Saint Cloud, MN 56395-1250
 14149053 E-mail/PDF: gecsedirecoverycorp.com May 05 2018 01:58:31 JC Penney/Synchrony Bank,
 Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14214359 E-mail/PDF: resurgentbknofications@resurgent.com May 05 2018 01:58:18
 LVNV Funding, LLC its successors and assigns as, assignee of Santander Consumer USA,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14149054 E-mail/PDF: gecsedirecoverycorp.com May 05 2018 01:58:31 Lowe's/Synchrony Bank,
 Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
 14187140 +E-mail/Text: bankruptcydpt@mcmcg.com May 05 2018 01:50:08
 Midland Credit Management, Inc. as agent for, MIDLAND FUNDING LLC, PO Box 2011,
 Warren, MI 48090-2011
 14149061 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 05 2018 02:10:53
 Portfolio Recovery, P.O. Box 41067, Norfolk, VA 23541
 14174026 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 05 2018 01:58:33
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14149060 +E-mail/Text: blegal@phfa.org May 05 2018 01:50:11 Pennsylvania Housing Finance Agency,
 211 North Front Street, Harrisburg, PA 17101-1406
 14172318 +E-mail/Text: JCAP_BNC_Notices@jcap.com May 05 2018 01:50:20 Premier Bankcard, LLC,
 c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999
 14177815 E-mail/Text: bnc-quantum@quantum3group.com May 05 2018 01:49:57
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14172288 +E-mail/Text: bncmail@w-legal.com May 05 2018 01:50:16 TD BANK USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 48

Date Rcvd: May 04, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14149071	E-mail/Text: bnc@alltran.com May 05 2018 01:49:50	United Recovery Systems, Inc., P.O. Box 722910, Houston, TX 77272-2910
14149070	E-mail/Text: bnc@alltran.com May 05 2018 01:49:50	United Recovery Systems, Inc., P.O. Box 722929, Houston, TX 77272-2929
14149072	E-mail/PDF: gecsed@recoverycorp.com May 05 2018 01:57:56	Walmart/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 06, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 4, 2018 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor Susan Robinson dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor John E. Robinson dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Leon P. Haller on behalf of Creditor Pennsylvania Housing Finance Agency lhaller@pkh.com,
dmaurer@pkh.com;lrynard@pkh.com;mgutshall@pkh.com
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6